



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**REPORT DATE:** October 12, 2001  
**TO:** Mayor and Councilmembers  
**FROM:** Peter K. Wilson, Acting City Administrator *PKW*  
**SUBJECT:** EL ESTERO DRAINAGE WETLAND RESTORATION PLAN -  
DRAINAGE EASEMENT AT LAGUNA CHANNEL BY UNION  
PACIFIC RAILROAD COMPANY

### RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Easement for Drainage and Related Purposes Covering a Portion of Laguna Channel Located on Certain Real Property Owned by Union Pacific Railroad Company, Santa Barbara County Assessor's APN 017-010-070.

**DISCUSSION:** See Attached Page

**ATTACHMENTS:** Map

**PREPARED BY:** *Don* Don Irelan, Senior Real Property Agent/Director

**APPROVED BY:** Pat Kelly, Acting Public Works Director *PK*

**REVIEWED BY:** \_\_\_\_\_ Finance *PKW* Attorney

STAFF USE ONLY

**TO:**

**FROM:** City Administrator

**ACTION TAKEN:**

**DIRECTIONS:**

Meeting Date October 16, 2001

Agenda Item No. 4  
**330.03**

Council Agenda Report

EL ESTERO DRAINAGE WETLAND RESTORATION PLAN - DRAINAGE EASEMENT  
AT LAGUNA CHANNEL BY UNION PACIFIC RAILROAD COMPANY

October 12, 2001

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**DISCUSSION:**

The subject Easement has been executed by Union Pacific Railroad Company (UPRR) and delivered to the City for acceptance and use in connection with two projects:

- (1) The Laguna Channel Restoration Project; and
- (2) El Estero Drainage Wetland Restoration Plan.

It is recommended that the proffered easement be accepted by Council's adoption of the proposed resolution.

Background

On July 6, 2000, as set forth in Planning Commission Resolution No. 029-00, the City obtained environmental clearance to initiate the above-mentioned projects. The projects generally consist of flood control maintenance, restoration and mitigation of Laguna Channel, and maintenance, restoration and enhancement of El Estero Drain.

The general area of the projects is shown on the attached map.

The portion of Laguna Channel improved by the Laguna Channel Restoration Project is located between the railroad tracks owned by UPRR and the freeway (State Route 101). Laguna Channel is located mostly on City property (El Estero Wastewater Treatment Plant), and on properties owned by William D. Wright and Edna J. Wright, Trustees of the Wright Family Trust. The Laguna Channel Restoration Project has been substantially completed.

The portion of El Estero Drain proposed to be altered by the El Estero Drainage Wetland Restoration Plan is located east of Laguna Channel and north of the railroad tracks. Even though much of El Estero Drain is located on City property (APN 017-113-019), a drainage easement by UPRR is also necessary to permit the City to alter and maintain a small portion of Laguna Channel within the adjacent property owned by UPRR (APN 017-010-070) at the outflow of El Estero Drain. The area of the necessary drainage easement on UPRR's property is approximately 2,500 square feet.

The construction project to restore El Estero Drain has been delayed pending the City's receipt of the necessary easement by UPRR. As requested, in connection with the proposed enhancement of the Laguna Channel and El Estero Drain, UPRR has executed and delivered the subject easement to the City for acceptance.

Council Agenda Report

EL ESTERO DRAINAGE WETLAND RESTORATION PLAN - DRAINAGE EASEMENT  
AT LAGUNA CHANNEL BY UNION PACIFIC RAILROAD COMPANY

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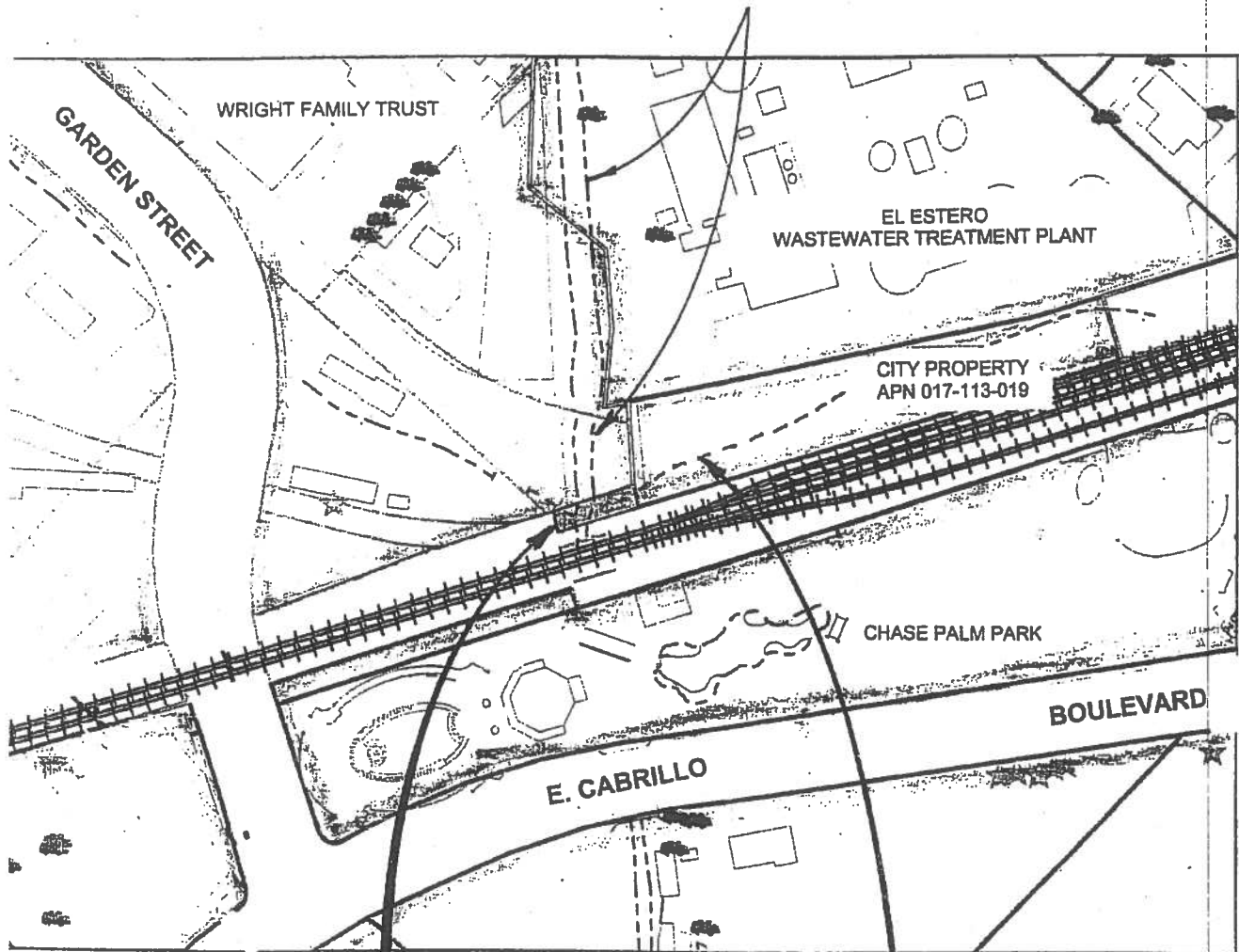
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It is anticipated that, following Council's acceptance of the proffered easement, as recommended, the project to restore El Estero Drain can be scheduled to begin after UPRR has completed its relocation of certain railroad-related facilities existing within the project work area. The relocation of the facilities from the work area will be coordinated with UPRR as necessary.

The Easement generally provides as follows:

- The drainage easement is granted by UPRR for valuable consideration in the amount of \$1.00, in addition to the consideration derived by the projects;
- UPRR has reserved the continuing right to construct and maintain its railroad tracks and all appurtenances within the drainage easement;
- UPRR, and on behalf of any assigns, has also reserved the continuing right to construct and use various other facilities within the drainage easement, including fiber optic facilities, signal lines, pipelines, communication facilities, power transmission lines, etc;
- The drainage easement is subject to existing leases, licenses and other outstanding rights;
- The City shall maintain the drainage easement, including removal of debris, obstructions and sediment that may impede flow of water in the area of the railroad tracks; and
- The City shall, in connection with any necessary work within the drainage easement, require its contractors to obtain a Contractor's Right of Entry Agreement from UPRR, and all contractors shall provide evidence of required insurance coverage.

LAGUNA CHANNEL



**DRAINAGE EASEMENT  
UNION PACIFIC RAILROAD COMPANY  
APN 017-010-070**

**EL ESTERO DRAIN  
RESTORATION PLAN**

Attachment 1

RESOLUTION OF ACCEPTANCE NO. 01-123

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING AN EASEMENT FOR DRAINAGE AND RELATED PURPOSES COVERING A PORTION OF LAGUNA CHANNEL LOCATED ON CERTAIN REAL PROPERTY OWNED BY UNION PACIFIC RAILROAD COMPANY, SANTA BARBARA COUNTY ASSESSOR'S APN 017-010-070.

BE IT RESOLVED by the Council of the City of Santa Barbara as follows:

1. The City of Santa Barbara hereby accepts the interest in real property described by the Easement to the City of Santa Barbara, a municipal corporation, by Union Pacific Railroad Company, a Delaware corporation, dated August 29, 2001, covering a portion of Laguna Channel located on certain real property owned by Union Pacific Railroad Company (Santa Barbara County Assessor's APN 017-010-070).

2. The City of Santa Barbara hereby consents to the recordation by the City Clerk in the Official Records, in the Office of the County Recorder, County of Santa Barbara, of said Easement.

I, James L. Armstrong, City Clerk in and for the City of Santa Barbara, California, do hereby certify that the foregoing resolution of acceptance was adopted by the City Council at its meeting held on October 16, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Santa Barbara this 18th day of October, 2001.

(SEAL)



By Deanne Frouille  
Deputy City Clerk

CITY OF SANTA BARBARA  
RESOLUTION NO. 01-123

STATE OF CALIFORNIA        }  
                                      } ss  
COUNTY OF SANTA BARBARA }

I hereby certify that the foregoing Resolution No. 01-123 was adopted by the City Council at a meeting held **October 16, 2001**, by the following roll call vote:

AYES:                   Councilmembers:

MARTY BLUM                               GREGG A. HART  
H. P. FAIRLY                             DAN B. SECORD  
GILBERT GARCIA  
                              MAYOR HARRIET MILLER

NOES:                   Councilmembers:

NONE

ABSENT:                Councilmembers:

TOM ROBERTS

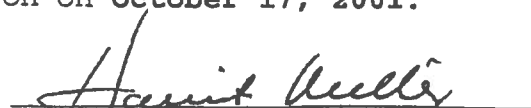
ABSTENTIONS:        Councilmembers:

NONE

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on **October 17, 2001**.

  
for Mabi Covarrubias Plisky, CMC  
City Clerk Services Manager

I HEREBY APPROVE this Resolution on **October 17, 2001**.

  
Harriet Miller  
Mayor